

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MERIDIAN SECURITY INSURANCE	§	
COMPANY	§	
Plaintiff,	§	
	§	
v.	§	CASE NO. 5:22-CV-151-RWS-JBB
	§	
JASON MORRIS and CHARLIE	§	
HOLLJE	§	
Defendants	§	

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge regarding Plaintiff Meridian Security Insurance Company’s Motion to Dismiss Defendant Charlie Hollje’s counterclaim. Docket No. 30. Plaintiff Meridian Insurance Company filed this declaratory judgment action against Defendants Jason Morris and Charlie Hollje seeking a declaration that it does not owe Defendants a duty to defend or a duty to indemnify Morris for the underlying lawsuit filed by Defendant Hollje against Defendant Morris, *Charlie Hollje v. Jason Morris*, Cause No. CV05116 in the 6th Judicial District Court of Red River County, Texas (“Underlying Lawsuit”). Docket No. 1, ¶¶ 2, 3, 31. The case was referred to a United States Magistrate Judge in accordance with 28 U.S.C. § 636. Docket No. 2. Plaintiff filed a motion to dismiss Defendant Hollje’s counterclaim. Docket No. 10.

On August 1, 2023, the Magistrate Judge issued a Report, recommending Plaintiff’s motion be granted “because any ruling on Plaintiff’s declaratory judgment claim will resolve the issue raised in the counterclaim, namely insurance coverage for the Underlying Lawsuit.” Docket No. 30 at 9-10. The Magistrate Judge ordered that any objections to the Report must be filed within 14 days of receipt of the Report. *Id.* at 10. The Magistrate Judge further noted a party’s failure to file

specific, written objections to the recommendations contained in the Report would bar that party from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Id.*

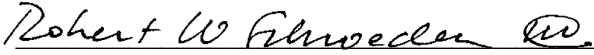
Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 30) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Plaintiff Meridian Security Insurance Company's Motion to Dismiss Defendant Hollje's Counterclaim (Docket No. 10) is **GRANTED**.

So ORDERED and SIGNED this 17th day of August, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE